



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
MBHB Case No. 05-061  
(Panda Case No. LCB378-CON-2)

In application of:

William A. Bernard

Serial No.: 10/646,115

Filed: August 22, 2003

For: Cable Duct Coupler

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

)  
)  
)  
) Examiner: Kimberly T. Wood  
)  
) Group Art Unit: 3632  
)  
)  
)

TRANSMITTAL LETTER

Dear Sir:

In regard to the above identified application:

1. We are transmitting herewith the attached papers for the above identified patent application:
  - a. Preliminary Amendment
  - b. Return Receipt Postcard
2. With respect to fees:
  - a. A check in the amount of \$1,000.00 is enclosed.
  - b. Please charge any fees or credit overpayment to Deposit Account No. 13-2490. A duplicate copy of this sheet is enclosed.
3. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the papers, as described in paragraph 1 herein-above, are being deposited with the United States Postal Service with sufficient postage as "First Class Mail" in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 28, 2005.

Respectfully submitted,

Date: February 28, 2005

By:

*Anthoula Pomrening*  
Anthoula Pomrening  
Reg. No. 38,805



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Attorney Docket No. LCB378-CON-2)  
(MBHB Case No. 05-061)

In re Application of:	)	
William A. Bernard, et al.	)	Group Art Unit: 3632
	)	
Serial No.: 10/646,115	)	Examiner: Wood, Kimberly T.
	)	
Filed: August 22, 2003	)	
	)	
For: Cable Duct Coupler	)	
	)	

**PRELIMINARY AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Responsive to the Final Rejection mailed September 23, 2004, the Applicants request reconsideration of their Application in light of the following Amendments and Remarks.

## **IN THE CLAIMS**

Claims 1-38 (cancelled).

39. (Currently amended) A cable duct coupler for coupling a first cable duct section to a second cable duct section without the need for tools, said first and second cable duct sections each having an end, said cable duct coupler comprising:

a first duct-receiving portion generally complementary to said end of said first cable duct section, a second duct-receiving portion generally complementary to said end of said second cable duct section; [and]

a releasable [automatic] locking mechanism for automatically retaining [said end of] said first cable duct section when said end of the first cable duct section is positioned within said first duct-receiving portion of said coupler; and

a release mechanism for releasing the releasable locking mechanism from retaining said first cable duct section positioned within said first duct-receiving portion.

40. (Currently amended) A cable duct coupler in accordance with claim 39 wherein said [automatic] locking mechanism includes a plurality of barbs each having at least one arm extending into said first duct-receiving portion for resisting withdrawal of said first cable duct section from said first duct-receiving portion.

41. (Previously presented) A cable duct coupler in accordance with claim 40 wherein said arm of said barb is contacted by said end of said first cable duct section upon insertion thereof into said first duct-receiving portion and thereby deflected and wherein application of a withdrawal force on said first cable duct section causes said barb to bitingly engage said inserted end of said first cable duct section to resist said withdrawal force.

42. (Previously presented) A cable duct coupler in accordance with claim 40 wherein said barb includes a knife-blade edge for biting into said end of said first cable duct section.

43. (Previously presented) A cable duct coupler in accordance with claim 40 wherein said barb includes a serrated edge for biting into said end of said first cable duct section.

44. (Previously presented) A cable duct coupler in accordance with claim 40 wherein said barb may be alternatively disposed in a closed position wherein said barb may bitingly engage said end of said first cable duct section to resist withdrawal of said first cable duct section from said first duct-receiving portion and an open position wherein said first cable duct section may be freely withdrawn from said first duct-receiving portion.

45. (Previously presented) A cable duct coupler in accordance with claim 40 wherein said barb is in an unstressed state prior to insertion of said first cable duct section into said duct-receiving portion.

46. (Previously presented) A cable duct coupler in accordance with claim 40 further including a barb-mount portion onto which said barb may be mounted and retained.

47. (Currently amended) A cable duct coupler for coupling a first cable duct section to a second cable duct section without the need for tools, said first and second cable duct sections each having an end, said cable duct coupler comprising:

a first duct-receiving portion generally complementary to said end of said first cable duct section, a second duct-receiving portion generally complementary to said end of said second cable duct section; [and]

a releasable [automatic] locking mechanism for automatically retaining [said end of] said first cable duct section when said end of said first cable duct section is positioned within said first duct-receiving portion of said coupler; and

a release mechanism for releasing the releasable locking mechanism from retaining said first cable duct section positioned within said first duct-receiving portion;

wherein said [automatic] locking mechanism includes a barb having at least one arm extending into said first duct-receiving portion for resisting withdrawal of said first cable duct section from said first duct-receiving portion.

48. (Currently amended) A cable duct coupler for coupling a first cable duct section to a second cable duct section without the need for tools, said first and second cable duct sections each having an end, said cable duct coupler comprising:

a first side generally complementary to and engageable with said end of said first cable duct section and a second side generally complementary to and engageable with said end of said second cable duct section; and

a releasable [automatic] locking mechanism for automatically retaining [said end of] said first cable duct section when said end of said first cable section is in engagement with said first side of said coupler; and

a release mechanism for releasing the releasable locking mechanism from retaining said first cable duct section in engagement with said first side of said coupler;

wherein said [automatic] locking mechanism includes at least one arm for resisting withdrawal of said first cable duct section from engagement with said first side of said coupler.

49. (Previously presented) A cable duct coupler in accordance with claim 48 further including a barb cover for covering said barb.

50. (Currently amended) A cable duct coupler in accordance with claim 49 wherein said barb cover provides back contact support for said barb such that when withdrawal

force is applied to said first cable duct section, said barb deflects into contact with said barb cover to provide extra withdrawal resistance capability to said [automatic] locking mechanism.

51. (Currently amended) A cable duct coupler in accordance with claim 48 wherein said releasable [automatic] locking mechanism is capable of automatically retaining both said end of said first cable duct section in said first duct-receiving portion and said end of said second cable duct section in said second duct-receiving portion.

52. (Currently amended) A cable duct coupler in accordance with claim 51 wherein said locking mechanism includes a barb having a plurality of arms, at least one of said arms extending into said first duct-receiving portion and at least one of said arms extending into said second duct-receiving portion.

53. (Previously presented) A cable duct coupler in accordance with claim 52 wherein said barb may be alternatively disposed in a closed position wherein said barb arms may bitingly engage both of said ends of said first and second cable duct sections to resist withdrawal of said first and second cable duct sections from said first and second duct-receiving portions, respectively, and an open position wherein said first and second cable duct sections may be freely withdrawn from said first and second duct-receiving portions, respectively.

54. (Previously presented) A cable duct coupler in accordance with claim 48 wherein said barb is made of metal.

55. (Previously presented) A cable duct coupler in accordance with claim 48 wherein said barb includes a flange for strengthening said barb such that said barb may provide increased resistance to withdrawal.

56. (Previously presented) A cable duct coupler in accordance with claim 48 wherein said end of said first cable duct section includes at least one pliable rib for enhancing the engagement between said barb and said end.

57. (Currently amended) A cable duct coupler for coupling a first cable duct section to a second cable duct section without the need for tools, said first and second cable duct sections each having an end, said cable duct coupler comprising:

a first side generally complementary to and engageable with said end of said first cable duct section and a second side generally complementary to and engageable with said end of said second cable duct section; [and]

a releasable locking mechanism for automatically retaining [said end of] said first cable duct section when said end of the first cable duct section is in engagement with said first side [fo] of said coupler; and



a release mechanism for releasing the releasable locking mechanism from retaining said first cable duct section in engagement with said first side of said coupler;

wherein said [automatic] locking mechanism includes a barb having at least one arm for resisting withdrawal of said first cable duct section from engagement with said first side of said coupler.

58. (Currently amended) A cable duct coupler in accordance with claim 57 wherein said [automatic] locking mechanism includes a plurality of barbs each having at least one arm extending into said first duct-receiving portion for resisting withdrawal of said first cable duct section from said first duct-receiving portion.

59. (Previously presented) A cable duct coupler in accordance with claim 57 wherein said arm of said barb is contacted by said end of said first cable duct section upon insertion thereof into said first duct-receiving portion and thereby deflected and wherein application of a withdrawal force on said first cable duct section causes said barb to bitingly engage said inserted end of said first cable duct section to resist said withdrawal force.

60. (Previously presented) A cable duct coupler in accordance with claim 57 wherein said barb includes a knife-blade edge for biting into said end of said first cable duct section.

61. (Previously presented) A cable duct coupler in accordance with claim 57 wherein said barb includes a serrated edge for biting into said end of said first cable duct section.

62. (Previously presented) A cable duct coupler in accordance with claim 57 wherein said barb may be alternatively disposed in a closed position wherein said barb may bitingly engage said end of said first cable duct section to resist withdrawal of said first cable duct section from said first duct-receiving portion and an open position wherein said first cable duct section may be freely withdrawn from said first duct-receiving portion.

63. (Previously presented) A cable duct coupler in accordance with claim 57 wherein said barb is in an unstressed state prior to insertion of said first cable duct section into said duct-receiving portion.

64. (Previously presented) A cable duct coupler in accordance with claim 57 further including a barb-mount portion onto which said barb may be mounted and retained.

65. (New) A cable duct coupler of claim 39 wherein the release mechanism releases the releasable locking mechanism from retaining said first cable duct section within said first duct-receiving portion of said coupler without damaging said first cable duct section.

66. (New) A cable duct coupler of claim 39 wherein the release mechanism is disposed along an exterior of said coupler.

67. (New) A cable duct coupler of claim 39 wherein the release mechanism is actuated from an exterior of said coupler.

68. (New) A cable duct coupler of claim 39 wherein the release mechanism is a fastener.

69. (New) A cable duct coupler of claim 68 wherein the fastener is a threaded bolt.

70. (New) A cable duct coupler of claim 47 wherein the release mechanism releases the releasable locking mechanism from retaining said first cable duct section within said first duct-receiving portion of said coupler without damaging said first cable duct section.

71. (New) A cable duct coupler of claim 47 wherein the release mechanism is disposed along an exterior of said coupler.

72. (New) A cable duct coupler of claim 47 wherein the release mechanism is actuated from an exterior of said coupler.

73. (New) A cable duct coupler of claim 47 wherein the release mechanism is a fastener.

74. (New) A cable duct coupler of claim 72 wherein the fastener is a threaded bolt.

75. (New) A cable duct coupler of claim 48 wherein the release mechanism releases the releasable locking mechanism from retaining said first cable duct section in engagement with said first side of said coupler without damaging said first cable duct section.

76. (New) A cable duct coupler of claim 48 wherein the release mechanism is disposed along an exterior of said coupler.

77. (New) A cable duct coupler of claim 48 wherein the release mechanism is actuated from an exterior of said coupler.

78. (New) A cable duct coupler of claim 48 wherein the release mechanism is a fastener.

79. (New) A cable duct coupler of claim 78 wherein the fastener is a threaded bolt.

80. (New) A cable duct coupler of claim 57 wherein the release mechanism releases the releasable locking mechanism from retaining said first cable duct section in engagement with said first side of said coupler without damaging said first cable duct section.

81. (New) A cable duct coupler of claim 57 wherein the release mechanism is disposed along an exterior of said coupler.

82. (New) A cable duct coupler of claim 57 wherein the release mechanism is actuated from an exterior of said coupler.

83. (New) A cable duct coupler of claim 57 wherein the release mechanism is a fastener.

84. (New) A cable duct coupler of claim 83 wherein the fastener is a threaded bolt.

## **REMARKS**

### **1. Status of the Claims**

Claims 39-84 are pending in this Application. In the Office Action dated September 23, 2004, the Examiner rejected claims 39-48, 51-54, and 57-64 as being anticipated by *Henneberger* (U.S. Patent No. 5,316,243). The Examiner further rejected claim 55 as being unpatentable over *Henneberger* (U.S. Patent No. 5,316,243) in view of *Gute* (U.S. Patent No. 5,338,083). The Examiner also indicated claims 49, 50, and 56 as containing allowable subject matter. Claims 65-84 have been added with this response and are directed to the release mechanism of the coupler of the present application.

### **2. Interview Summary**

Applicants would like to thank the Examiner for the courtesies extended to Applicants' representative, Mr. Robert McCann, during their personal interview on January 27, 2005. During the interview, the differences between the claimed invention and the coupler disclosed in *Henneberger* (U.S. Patent No. 5,316,243) were discussed.

### **3. The Henneberger Reference**

The Examiner rejected claims 39-48, 51-54, and 57-64 under 35 U.S.C. § 102 as being anticipated by *Henneberger* (U.S. Patent No. 5,316,243), and the Examiner further rejected claim 55 as being unpatentable over *Henneberger* (U.S. Patent No. 5,316,243) in

view of *Gute* (U.S. Patent No. 5,338,083). The Applicants respectfully traverse these rejections.

Independent claims 39 and 47 as amended require a release mechanism for releasing the locking mechanism from retaining a cable duct section positioned in a duct-receiving portion of the coupler. Similarly, independent claims 48 and 57 as amended require a release mechanism for releasing the locking mechanism from retaining a cable duct section in engagement with a first side of the coupler. The *Henneberger* reference completely lacks a separate release mechanism for releasing its locking mechanism 61. Consequently, *Henneberger* does not anticipate or obviate, either alone or in combination with another reference, independent claims 39, 47, 48, and 57, or any claims dependent thereon. Accordingly, the Applicants respectfully request that the Examiner withdraw the rejections of these claims.

### **CONCLUSION**

The Applicants believe the present claims to be in condition for allowance, and earnestly request early notification of the same. If, for any reason, the Examiner is unable to allow the Application on the basis of these amendments and feels that a telephone conference would help clear up any unresolved matters, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,

Date: February 28, 2005

By:   
Anthoula Pomrening  
Reg. No. 38,805

McDonnell, Boehnen, Hulbert, and Berghoff LLP  
300 South Wacker Drive  
Chicago, IL 60606  
Telephone: 312.913.0001  
Facsimile: 312.913.0002





McDonnell Boehnen Hulbert & Berghoff LLP  
Operating Account

300 South Wacker Drive  
Chicago, Illinois 60606-6709  
[www.mbhb.com](http://www.mbhb.com)

312 913 0001 phone  
312 913 0002 fax

control #  
82256

Nº 082256

VOUCHER #	INVOICE #	DATE	INVOICE AMT	DESCRIPTION	AMOUNT PAID
137036	11/72	02/28/2005	1,000.00		1000.00

Vendor ID: AS0205

Vendor Name: U.S. Patent & Trademark Office

Check Date: 02/28/2005

TOTAL CHECK:

1,000.00

THE FACE OF THIS CHECK IS PRINTED BLUE - THE BACK CONTAINS A SIMULATED WATERMARK



McDonnell Boehnen Hulbert & Berghoff LLP  
300 South Wacker Drive  
Chicago, Illinois 60606-6709  
[www.mbhb.com](http://www.mbhb.com)

NATIONAL CITY BANK OF MICHIGAN/ILLINOIS  
70-2189/719

Nº 082256

CHECK NO.  
82256

CHECK DATE  
02/28/2005

VENDOR NO.  
AS0205

PAY

ONE THOUSAND AND 00/100 Dollars

TO THE  
ORDER  
OF

U.S. Patent & Trademark Office

CHECK AMOUNT

\$\*\*\* \*\*1,000.00

*[Signature]*

⑈082256⑈ ⑆071921891⑆ 978816144⑈

Hon. Commissioner of  
Patents and Trademarks

**S.N.: 10/646,115**

**Atty: AP**

**Re: Applicant – William A. Bernard**

**Case No. 05-061**

**CABLE DUCT COUPLER**

Sir:

Please place the Patent Office receipt stamp hereon and mail to acknowledge receipt of:

- ☒ Transmittal Letter (in duplicate)
- ☒ Preliminary Amendment

Fee Enclosed: **\$ 1,000.00**  
Date Mailed: **February 28, 2005**

Respectfully,  
McDonnell Boehnen Hulbert & Berghoff LLP  
Attorney for Applicant